

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**SAMANTHA K. SCOTT,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:19-cv-0499**

**Judge \_\_\_\_\_**

**360 TRUCKING LLC, and  
MATT STRAWHACKER,  
Individually and as agent for  
360 Trucking LLC,**

**Defendants.**

**COMPLAINT**

COMES NOW the Plaintiff, Samantha K. Scott, for her Complaint and states as follows:

1. The Plaintiff, Samantha K. Scott, is a citizen and resident of Lee County, North Carolina.
2. Defendant, 360 Trucking, LLC, is a limited liability corporation organized and existing under the laws of the State of Kansas with its principal place of business in Salina, Kansas, with members residing outside the State of West Virginia.

3. Defendant, Matt Strawhacker, is an employee of 360 Trucking LLC, with its principal place of business in Salina, Kansas, and resides outside the state of West Virginia.

4. This Court has jurisdiction under 28 U.S.C. §1332 in that the parties are citizens of different states.

5. Upon information and belief, the Defendant, Matt Strawhacker, was the driver of the tractor trailer and caused a crash on I-77 near Beckley, West Virginia. The West Virginia State Police investigated the crash, but they cannot locate the report.

### **COUNT I**

5. On July 13, 2017, Plaintiff, Samantha Scott, was the operator of a Subaru Impreza passenger vehicle on Interstate 77 near Beckley, West Virginia. Plaintiff, Samantha Scott, was operating said vehicle in a careful and prudent manner.

6. On July 13, 2017, Defendant Matt Strawhacker was driving was operating a tractor trailer, registered and titled in the name of Defendant, 360 Trucking LLC.

7. At all times pertinent to this action, Defendant, Matt Strawhacker, was the agent and employee of Defendant, 360 Trucking LLC, and was operating the tractor trailer owned, maintained and provided by Defendant, 360 Trucking LLC, within the course and scope of his employment and in furtherance thereof, and with the knowledge, consent, and permission of the owner of said vehicle, Defendant, 360 Trucking LLC. Defendant, Matt Strawhacker, was acting as the agent of Defendant, 360 Trucking LLC, within the course and scope of such

agency/employment, with the result that the negligence of Defendant, Matt Strawhacker, is imputed by operation of the law to Defendant, 360 Trucking LLC.

8. On the date aforesaid, Defendant Matt Strawhacker drove into Plaintiff, and in doing so, collided violently with Samantha Scott's vehicle from the rear and caused a crash.

9. Defendant, Matt Strawhacker, and by respondeat superior, Defendant 360 Trucking LLC, owed a duty of care to Plaintiff Samantha Scott and breached that duty, and were negligent in one or more of the following respects:

- a. failed to keep a proper lookout and keep his vehicle under proper control;
- b. failed reduce his speed as necessary to avoid a collision;
- c. failed to act as a reasonably careful and prudent person would under the same or similar circumstances;
- d. failed to properly train and supervise the Defendant driver;
- e. drove said vehicle upon a highway carelessly and heedlessly, in willful and wanton disregard of the rights and safety of others without due caution and circumspection and in a manner so as to endanger or be likely to endanger the life of another; and
- f. Defendant Matt Strawhacker was otherwise negligent as shall be shown through discovery and proven at the trial of this action.

9. As a direct and proximate result of the aforesaid acts of negligence of Defendants, Samantha Scott has suffered severe, painful and permanent injuries to and about her body, including but not limited to injuries to her bilateral shoulders requiring surgery, and bilateral knees. Plaintiff, Samantha Scott, continues to suffer great pain of body and mind.

10. As a direct and proximate result of the negligence and carelessness of Defendants, 360 Trucking LLC and Matt Strawhacker, as aforesaid, the Plaintiff, Samantha K. Scott, has incurred medical expenses and will incur additional medical expenses in the future; has endured pain and suffering, both in the past and in the future; has sustained an impairment of the capacity to enjoy life, both past and future; and, the Plaintiff has in the past suffered annoyance, aggravation, and mental anguish and will continue to do so in the future.

## **COUNT II**

The Plaintiff realleges paragraphs 1 through 10 as though set forth fully herein, and further alleges as follows:

11. As a direct and proximate result of the willful, wanton and intentional acts, and/or the willful and intentional failures to act of the Defendants and its agents and employees, jointly and severally the Plaintiff suffered the aforesaid damages and injuries, and, as such, the Plaintiff hereby demands punitive damages.

**WHEREFORE**, the Plaintiff, Samantha K. Scott, hereby demands judgment of and from the Defendants, 360 Trucking LLC, and Matt Strawhacker, in such sums as will adequately compensate the Plaintiff for her injuries and claims, which said sums are far in excess of any sums necessary to confirm jurisdiction upon this Court, punitive damages, together with prejudgment and post-judgment interest, her costs expended in the prosecution of this lawsuit, including reasonable attorney fees, and further prays for such other and further general relief as this Court may deem proper.

**THE PLAINTIFF FURTHER DEMANDS A TRIAL BY JURY.**

**Samantha K. Scott**

**By Counsel**

/s/ William M. Tiano

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